

UNITED STATES DISTRICT COURT
EASTEN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHRISTOPHER FRANCIS DISPENZA,

Case No. 25-12017

Hon. Matthew F. Leitman

Mag. Judge Kimberly G. Altman

Plaintiff,

v.

JONATHAN DAVID GOOD,

a.k.a. “**JON MOXLEY**”,

an individual, and **ALL ELITE WRESTLING, LLC,**

a Florida corporation;

jointly and severally,

Defendants.

**DEFENDANT ALL ELITE WRESTLING, LLC’S RESPONSE TO COURT ORDER TO
SHOW CAUSE**

Now comes the Defendant, **ALL ELITE WRESTLING, LLC**, only, by and through its attorneys, **SEWARD HENDERSON PLLC**, and for its response to the Court’s Order to Show Cause, Docket No. 3, PageID.40-45, and in support of its removal based upon diversity, states as follows:

1. That all parties are citizens of different states, Plaintiff is a citizen of the State of Florida, Defendant Good is a citizen of the State of Ohio, and the citizenship for All Elite Wrestling, LLC (AEW) is ultimately the State of Illinois.

2. That AEW submits the attached brief in support of its position that complete diversity exists.

WHEREFORE, AEW requests this Court to find that diversity does exist and that a remand back to the State Court is not warranted.

Respectfully submitted,

SEWARD HENDERSON PLLC

/s/ T. Joseph Seward (P35095)
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Dated: July 22, 2025

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EASTEN DISTRICT OF MICHIGAN
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CHRISTOPHER FRANCIS DISPENSA,

Plaintiff,

v.

Case No. 25-12017

Hon. Matthew F. Leitman

Mag. Judge Kimberly G. Altman

JONATHAN DAVID GOOD,

a.k.a. “**JON MOXLEY**”,

an individual, and **ALL ELITE WRESTLING, LLC,**

a Florida corporation;

jointly and severally,

Defendants.

**BRIEF IN SUPPORT OF DEFENDANT ALL ELITE WRESTLING, LLC’S RESPONSE TO
COURT ORDER TO SHOW CAUSE**

INTRODUCTION

The core issue posed by this Court is the citizenship of the trustees of the trust that are members of Beatnik Investments, LLC. AEW has submitted an affidavit together with a motion to file the affidavit under seal. This is the affidavit referenced in this response which explains the identity of the trust that are the members of Beatnik Investments, LLC, including that the trustees are citizens of the State of Illinois.

In PageID.43-44 the Court cited a passage from *BRT Mgmt. LLC v. Malden Storage LLC*, 698 F.4th 691, 697-698 (1st Cir. 2023) where the key factor in determining citizenship for a trust is for the courts to look at whether the trust can be sued and in whose name. Under Illinois law, a suit is brought on behalf of or against the trustee. See *Ready, Jr. v. Ready*, 33 Ill. App. 2d 145, 152 (1961). The *Ready* court stated:

“The right to sue in the ordinary case vests only in the trustee. Bogert, Trusts and Trustees, sec. 870, vol. 4, pt. 1, pp. 457, 459.”

This concept was reiterated more recently in *Palm v. Sergie*, 209 N.E.3d 390, 401, 402. Moreover, Illinois law sets forth the specific powers of a trustee at 760 ILCS § 3/816 (14) and (24).

Thus under Sixth Circuit precedent, determining diversity for an LLC, the Court looks to the citizenship of its members and sub members, *AKNO 1010 Mkt.*

St. St. Louis, Missouri LLC v. Pourtaghi, 43 F.4th 624, 627 (6th Cir. 2022). AEW's member is Beatnik Investments, LLC. The members of Beatnik Investments, LLC are two trusts. As noted by the Supreme Court in *Navarro Savings Assoc. v. Lee*, 446 U.S. 458, 100 S.Ct. 1779, 64 L.Ed. 2d 425 (1980), the law has permitted trustees to sue in their own right without regard to the citizenship of the trust beneficiaries in determining whether diversity existed. Ultimately, the Court found that the citizenship of the trustee was determinative without regard to the citizenship of the beneficiaries.

As the affidavit explains, the trustees of the Beatnik Investments, LLC are citizens of the State of Illinois. Additionally, the Illinois statutes and caselaw all reflect the capacity to sue or be sued lies with the trustees.

Thus, Plaintiff is a citizen of the State of Florida, Defendant Good is a citizen of the State of Ohio, and AEW is a citizen of the State of Illinois, establishing complete diversity exists. AEW submits, therefore, that pursuant to 28 USC § 1332 complete diversity exists supporting the removal of this action by AEW.

Respectfully submitted,

SEWARD HENDERSON PLLC

/s/ T. Joseph Seward (P35095)

Attorneys for Defendant AEW, only

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Dated: July 22, 2025

CERTIFICATE OF SERVICE

I hereby certify that on **Tuesday, July 22, 2025**, I electronically filed the foregoing document with the Clerk of the Court via the CM/ECF system, which will send notice to all parties and attorneys of record.

/s/ Niklas Thomas

SEWARD HENDERSON PLLC